44905/P
82444 6

CHARTER

UNDER THE GREAT SEAL,

In Favours of the COLLEGE and CORPORATION of SURGEONS of the City of Edinburgh,

Incorporating them, of new, under the NAME and TITLE

OF THE

ROYAL COLLEGE of SURGEONS

Of the City of Edinburgh,

And authorizing them to carry into execution a SCHEME for making a PROVISION for the Widows and Children of the MEMBERS of the CORPORATION, and their Clerk.

EDINBURGH:

PRINTED by NEILL & Co.

M,DCC,LXXVIII.

WELLCOME
LIBRARY
INSTITUTE

CHARTER

UNDER THE GREAT SEAL,

In Favours of the COLLEGE and CORPORATION of SURGEONS of the City of Edinburgh, *&c.*

GEORGE, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, To ALL and SUNDRY, to whom theſe Preſents ſhall come, greeting, FORASMUCHAS a Petition hath been preſented to Us by the College and Corporation of Surgeons of the City of Edinburgh, Setting forth, That the Surgeons of the ſaid City were created, erected and incorporated into a Society or College, and various privileges conferred on them by ſeveral Grants made by Our Royal Predeceſſors Kings of Scotland, and by Acts of the Parliament of that kingdom; and particularly, by Letters

Petition to His Majeſty.

ters Patent of their Majeſties King William and Queen Mary, bearing date the 28th day of February 1694, confirming all the former Grants: And theſe Letters Patent were ratified in Parliament the 17th day of July 1695: That the Petitioners humbly hoped they had been no leſs deſerving of Royal patronage than their Predeceſſors; and their numerous Pupils ſerving with reputation in Our army and navy, might be mentioned as evidence of the attention beſtowed by the preſent members of the ſaid College to improve the art of Surgery: That they might maintain an equality with ſimilar inſtitutions in ſeveral neighbouring kingdoms, they were ſolicitous that We might be graciouſly pleaſed to confer upon them the Title of ROYAL COLLEGE of SURGEONS. AS ALSO, ſetting forth, That under the authority of the aforeſaid Grants and Acts of the Legiſlature, the College had been in uſe of levying certain ſums from the Members, and certain

tain fees from Intrants, whereby a Capital has been raiſed, the intereſt and income of which is applied towards the relief of their indigent members, their widows and children: That finding their preſent funds inadequate to afford ſufficient relief to their poor, and being convinced of the utility of raiſing a fund for a proviſion for the widows and children of the members of the Corporation and of their clerk, they had formed a ſcheme for that purpoſe, which, after being deliberately conſidered, was unanimouſly approved of in a general meeting of the Corporation, held upon the 11th day of July 1777: And praying, That in addition to the Letters Patent and Acts of Parliament already granted and made in favour of the ſaid Corporation and College of Surgeons of the City of Edinburgh, We would be graciouſly pleaſed to grant our Royal Letters Patent under the Seal appointed by the Treaty of Union to be kept in Scotland, in place

of

of the Great Seal formerly uſed there, conferring upon them the Title of ROYAL COLLEGE of SURGEONS; and authoriſing them to carry into execution the ſaid laudable ſcheme in manner propoſed in a Memorial annexed to the ſaid Petition: AND We being ſatisfied that the deſign of the Petitioners is laudable, and that they are deſerving of encouragement, DO THEREFORE ORDAIN a Patent or Charter to be paſſed, and expede under the above mentioned Seal, of new, conſtituting, erecting, and incorporating, as We, by our prerogative-royal, and ſpecial grace, and for Us, and our Royal Succeſſors, hereby, of new, Conſtitute, Erect, and Incorporate the Petitioners; and the perſons who ſhall hereafter be legally admitted Members of the ſaid Corporation and College, into one body politic and corporate, or legal Incorporation and Society, under the Title and Name of The ROYAL COLLEGE of SURGEONS of the City of Edinburgh: And

The Corporation erected into a Royal College.

as

as ſuch, and by ſuch Name, to have a perpetual endurance and ſucceſſion to and for the ends and purpoſes mentioned in the Royal Charters heretofore granted in their favour, and herein after mentioned; and to be able and capable to ſue, plead, defend and anſwer, and to be ſued, impleaded, defended and anſwered, in all or any of our Courts of Judicature: AND for effecting the ſaid charitable Scheme of raiſing a Fund for a proviſion for the widows and children of the Members of the ſaid Corporation, and their clerk, ORDAINING, as We for Us and Our Royal Succeſſors hereby Ordain, That the perſons who were Members of the ſaid Corporation and College at the feaſt or term of Lammas 1777, and whoſe acceſſion and deſire to become Contributors to the Scheme for raiſing the ſaid Fund, is declared by writing under their hands before the term of Candlemas in the year 1778, ſhall make payment to a Collector, to be named in manner after mentioned, of the ſum of

L. 5 Sterling

Annual Rate able by Contributors to the eme.

L. 5 Sterling each, with legal intereſt from the ſaid term of Lammas 1777; and ſhall alſo make payment as at the ſaid term of Candlemas 1778, and at each ſucceeding term of Candlemas during their reſpective lives, of the like ſum of L. 5 Sterling, with a fifth part more of penalty in caſe of failure, and the legal intereſt of the ſaid reſpective ſums from the aforeſaid terms of payment during the not payment: And that the perſons who were Members of the ſaid Corporation at the ſaid term of Lammas 1777, and whoſe acceſſion to the ſcheme is not declared by writing under their hands before the ſaid term of Candlemas 1778, ſhall be excluded from the benefit thereof forever: As ALSO, Ordaining, as We Ordain, That all perſons who have been admitted Members of the ſaid Corporation ſince the ſaid term of Lammas 1777, or who ſhall be admitted hereafter, ſhall, in conſequence of their admiſſion, be held to accede to the ſcheme, and

ch Members ave not acd to the eme before dlemas 8, excluded n the benehereof.

Members added after mmas 1777, l to accede he Scheme.

and ſhall make payment of the ſum of L. 5 Sterling at the firſt term of Candlemas after their reſpective admiſſions, and the like ſum at each ſucceeding term of Candlemas during their reſpective lives, with penalty and intereſt as aforeſaid; and in order, more effectually, to ſecure payment of the reſpective ſums or rates due by the Contributors, they ſhall ſign and deliver ſuch deed or deeds for that end, as ſhall hereafter be judged valid and neceſſary by the Corporation: AND WHEREAS, by the ſaid ſcheme deviſed and agreed to by the ſaid Corporation. It was appointed, That over and above the ſums to be annually paid by Contributors as aforeſaid, there ſhall be paid at the ſaid term of Lammas 1777, by the Treaſurer of the Corporation to the Collector of the Scheme for the benefit thereof, the ſum of L. 25 Sterling out of the funds of the Corporation, and the like ſum of L. 25 Sterling at Candlemas 1778, and at each ſucceeding term of Candle-

The Contributors to ſign a deed for the regular payment of their annual rates.

L. 25 to be paid annually out of the Funds of the Corporation;

mas in all time coming: Therefore We approve of the payments already made, and authoriſe decreets, and appoint the ſaid annual payments out of the Corporation-funds to be made in future agreeable to the preceding article: And that in caſe at any time hereafter, it ſhall appear to the Members of the Corporation at a General Meeting, to which they ſhall be regularly ſummoned by a billet left at their reſpective houſes, at leaſt two days previous to the meeting, That the funds of the Corporation are more than ſufficient in any one year to maintain their poor, to defray their other neceſſary expences, and to pay the aforeſaid ſum of L. 25 Sterling; they ſhall appoint the Treaſurer to pay the Collector of the Scheme ſuch additional ſum for that year as they ſhall judge proper, it being always underſtood, and expreſsly provided, That no order ſhall be iſſued for ſuch additional payment unleſs three-fourths of the Members are preſent. And Ordaining

ſuch addi-
ſum as
Funds can

ing and Allowing, as We Ordain and Allow, That the preſent Clerk of the Corporation ſhall have it in his option to become a Contributor to the Scheme, and to be entitled to the benefit thereof, upon the ſame terms with the Members of the Corporation who were admitted before the term of Lammas 1777: But declaring always, That no future Clerk ſhall be intitled to that privilege, except with the approbation and ſpecial allowance of three-fourths of the Members of the Corporation who are Contributors to the Scheme, ſignified at a General Meeting, and within one year after his admiſſion. And Ordaining, as We Ordain, That the Contributors who were Members of the Corporation at the term of Lammas 1777, (herein after called original Contributors,) and who ſhall ſurvive the term of Candlemas 1780, and leave widows, and the Contributors who have been or ſhall be admitted Members of the Corporation after the ſaid term of Lammas

The preſe
Clerk allowe
to become
Contributor.

No futu
Clerk to hav
that privileg
unleſs with th
approbation
three-fourths
the Contribu
tors.

Annuity pay
able to Widow

mas 1777, (herein after called future Contributors,) and who ſhall ſurvive the term of Candlemas, at which their fourth year's rate has become due, and leave widows, ſuch widows ſhall be intitled to annuities, as follows, *viz.* to L. 12 : 10s. Sterling, as an half year's annuity at the term of Whitſunday immediately following the year in which their reſpective huſbands died, and computed from the 1ſt of January to the 31ſt of December; and L. 25 Sterling as a full year's annuity at each term of Whitſunday thereafter during life and their continuing unmarried; but in caſe of their death or marriage, the ſaid annuity ſhall immediately ceaſe, and ſhall not be due for any term happening after either of theſe events.

ceaſe upon death or iage.

That the original and future Contributors, who ſhall ſurvive the reſpective terms above mentioned, and ſhall die widowers, leaving a child or children under ſixteen years of age, ſuch child or children ſhall at the term of Whitſunday immediately

ovision to dren under ears of age.

immediately following the year in which their reſpective fathers died, computing ſaid year from the 1ſt of January to the 31ſt of December, be intitled to receive L. 100 Sterling, which ſum ſhall be equally divided amongſt them, if there be more than one child. It being always underſtood, and expreſsly provided, that if any of the original Contributors ſhall happen to die before the term of Candlemas 1780, or any of the future Contributors before the term of Candlemas, at which their fourth year's rate would have been due, neither their widows or children ſhall be intitled to any benefit from the ſcheme, but ſhall be entirely excluded therefrom. And further, Ordaining, Directing and Appointing, as We Ordain, Direct and Appoint, That if any perſon who has been or ſhall be admitted a Member of the Corporation after Lammas 1777, ſhall at the time of his admiſſion be forty years of age, or upwards, and ſhall happen to die leaving a widow,

or

The Wid
and Child
of Contribut
who ſhall
before their
year's rates
come due,
to be intitled
any benefit fr
the Scheme.

If any Me
ber admitted
ter Lamm
1777, ſhall
40 years of
or upwards,
ſhall die bef
he has paid
years rates
there ſhall
retained out
his Widow'
annuity, o
Childrens p
viſion, a
equal to the
ficiency.

or leaving a child or children under ſixteen years of age, but no widow, before he has paid or been liable to pay twelve years rates. In that caſe there ſhall be retained out of the annuity due to his widow, or out of the proviſion due to his child or children, ſuch ſum as, together with the ſums paid by him without computing intereſt thereon, ſhall amount to twelve years rates, *viz.* L. 60 Sterling. and Declaring and Ordaining, as We Declare and Ordain, That if any Contributor to the ſcheme, ſhall allow his annual-rate to run on unpaid for ſix years, his widow or child, or children, ſhall forfeit the reſpective annuities and proviſions to which they would have been intitled after his deceaſe. AND further Declaring, as We Declare, That ſuch Contributors ſhall nevertheleſs be obliged to pay the foreſaid annual-rates in arrear, and ſhall alſo continue liable in payment of his annual-rates during life; becauſe if ſuch forfeiture ſhould exempt either from payment of

If any contributor allows his annual-rate to run on unpaid for ſix years, his widow or children ſhall forfeit their annuities and proviſions;

and he ſhall continue liable in payment of his annual-rate during life.

of the annual-rates in arrear, or the rates that may thereafter fall due, ſome contributors might voluntarily incur the forfeiture, whereby the ſcheme would be deprived in ſo far of its proper ſupport, the *data* on which the calculation is inſtituted, ſuppoſing the annual-rate of every Contributor to be paid by him during life, though he might have no proſpect of bringing any burden upon the fund: But that in order to prevent any diſagreeable conſequences that might follow the forefeiture aforeſaid, that in caſe it ſhall appear to the Contributors at a general meeting, where at leaſt three-fourths of them are preſent, that the failure in payment of any Contributor was occaſioned, not with a view to injure the fund, but from the decay of buſineſs or other misfortunes, it ſhall be competent for ſuch meeting, to allow, in caſe he died a widower, his child or children to draw their reſpective proviſions, after deducting therefrom, a ſum equal to his

Proviſo.

arrears

arrears and intereſt; and in caſe he left a widow, to enter her on the roll of annuitants, ſo ſoon as the annuity that would have fallen due to her, had there been no forfeiture or arrears, ſhall amount to a ſum equal to theſe arrears and intereſt, calculated in a progreſſive accompt. And Declaring, Appointing and Ordaining, as We Declare, Appoint and Ordain, That the whole annual-rates payable by the Contributors, and ſums payable out of the Corporation's ſtock, before the term of Whitſunday 1781, ſhall be applied by the truſtees (after payment of the expence of management) towards raiſing a capital ſtock of L. 4,500 Sterling. And as the being and exiſtence of the ſcheme, depends upon the riſe of the foreſaid capital, the annual produce of the fund at the ſaid term of Whitſunday 1781, and at each term of Whitſunday thereafter, ſhall be applied as follows, *viz.* 1*ſt*, For defraying the expence of management; 2*dly*, By lending out for raiſing the capital,

Application of the money.

For defraying the expence of management.

tal, the following ſums in each year, *viz.*

Sums to be applied for raiſing the capital of L. 4,500.

At the term of Whitſunday 1782, 1783, 1784 and 1785, L. 150 0 0

At Whitſunday 1786, 1787, 1788, 1789 and 1790, 100 0 0

At Whitſunday 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, and 1800, - - 50 0 0

And at each Whitſunday thereafter, till the ſaid capital of L. 4,500 is compleated, - 30 0 0

Payment of annuities to widows, and proviſions to children.

And *3dly*, For payment of the annuities due to the widows of the Contributors, and the proviſions due to their children; and if the annual produce aforeſaid in any one year ſhall exceed the charges of management, the ſum ſo ordered to be applied for raiſing the capital, and the annuities and proviſions due to the children for that year, and the arrears of any annuities and proviſions of former years, after-mentioned, if any ſuch were, ſuch

Any annual ſurplus to be applied for raiſing the capital.

exceſs or ſurplus, ſhall be lent out together with the foreſaid ſums, for the purpoſe of raiſing the capital. And on the other hand, if in any one year the annual produce ſhall not be ſufficient for defraying the annual burdens as aforeſaid, yet no incroachment ſhall on that account be made upon the capital ſo far as then raiſed, nor ſhall the further raiſing thereof, in manner above directed, be thereby ſtopped or retarded; but ſuch deficiency or ſhort-coming, ſhall firſt affect the childrens proviſions proportionally, and then the annuities of all the widows proportionally, without regard to the order of time in which thoſe proviſions became due, and the ſame ſhall again be made good to them, out of the ſurplus of the annual produce, for the ſucceeding year or years in this order, *viz.* 1*ſt*, After payment of the expence of management, and of the ſum to be applied for raiſing the ſtock or capital as aforeſaid, the widows annuities unpaid in the preceding

Directions in caſe the annual produce is not ſufficient for defraying the annual burdens.

preceding year, ſhall be made good. 2*dly*, The widows annuities of the current year. 3*dly*, The childrens proviſions of the former year or years, according to the order of time in which they became due. And *laſtly*, The childrens proviſions for the current year, provided always, that when the ſaid capital is raiſed, if, in any one year, the annual produce ſhall be more than ſufficient for payment of all the burdens of that year, and arrears of former years, the ſurplus ſhall be applied by the Contributors at a general meeting, to which they ſhall be regularly ſummoned by a billet left at their reſpective dwelling-houſes, two days previous to the meeting; and where at leaſt three-fourths of them are preſent, either towards the further raiſing of the capital, or ſhall be divided amongſt the widows then on the fund, as ſhall appear moſt adviſeable to a majority of the meeting. And if the aforeſaid capital of L. 4,500, when made up in whole or in part, ſhall happen

When the Capital is raiſed, future ſurpluſes ſhall be applied towards further raiſing the Capital, or divided amongſt the Widows on the Fund.

If the Capital is diminiſhed, it ſhall be made up.

to

to be diminiſhed, either by the inſolvency of the debtors, or by any other accident whatſoever, ſuch diminution ſhall, from time to time, be made up by after ſurpluſes, to be lent out as aforeſaid. And Declaring and Ordaining, as We Declare and Ordain, That the annuities payable to the widows, and the proviſions payable to the child or children of the Contributors as aforeſaid, ſhall not be liable to be arreſted, or otherways affected or attached by their creditors; but ſhall, notwithſtanding ſuch arreſtment or attachment, be paid to the widows themſelves or their order, or to the tutors and curators of the ſaid child or children, or to their heirs, executors or aſſignees; and if the child or children have no tutors or curators, then, and in that caſe, the proviſion to which they are intitled, ſhall be paid to ſuch perſon or perſons as ſhall be named for receiving the ſame by the Truſtees for the management of the fund, to be applied for the uſe and behoof of the ſaid child

Annuities and Proviſions not arreſtable.

child or children respectively. AND further Declaring, Ordaining and Appointing, as We Declare, Ordain and Appoint, That the Trustees for managing the scheme shall consist of six Contributors, whereof three to be a Quorum; and they shall have power to elect a Præses at every meeting, who, in case of an equality of votes in any question, shall have the casting vote as Præses, besides his vote as a Trustee: That they shall have two stated meetings in each year; the first to be held on the second Tuesday of March, for making up a list of the widows and children intitled to annuities and provisions at Whitsunday thereafter, which list shall lie open to the inspection of all parties interested, in the Clerk's hands; and the said parties may give in their objections in writing, if they have any, to be by him laid before the Trustees, for their determination at the second stated meeting, which shall be held on the second Monday of May yearly: That besides the

The Scheme to be managed by six Trustees.

Three to be a Quorum.

The Trustees to have two stated meetings in the year,

nd to hold occaſional meetings.

the foreſaid two ſtated meetings, they may hold ſuch occaſional meetings as circumſtances require, which the laſt Præſes, either of himſelf, or upon the application of any two of their number, ſhall have power to call. AND moreover, Nominating, Appointing and Confirming, as We Nominate, Appoint and Confirm, The following ſix Contributors to be the original Truſtees, *viz.* Robert Walker, John Balfour, Alexander Wood, William Chalmers, Joſeph Robertſon and Thomas Hay, who ſhall continue to execute that truſt till Lammas 1781: AND Ordaining, as We Ordain, That the ſaid Robert Walker ſhall go out of office at the ſaid term of Lammas 1781; the ſaid John Balfour at Lammas 1782; the ſaid Alexander Wood at Lammas 1783; the ſaid William Chalmers at Lammas 1784; the ſaid Joſeph Robertſon at Lammas 1785; and the ſaid Thomas Hay at Lammas 1786: That one ſhall be elected at the ſaid term of Lammas 1781, to ſupply the ſaid

Names of the Truſtees:

The order of their removal.

A Truſtee to be elected annually to ſupply the place of the one removed.

ſaid Robert Walker's place; and one at each of the foreſaid ſucceeding terms of Lammas, to ſupply the then vacancy: That in all time hereafter, The eldeſt Truſtee, that is, the firſt Truſtee in the liſt ſhall go out of office at Lammas yearly, and another be elected in his room: That notwithſtanding of the above general rule, if a majority of the Contributors ſhall incline to continue any Truſtee in the office, when it comes to his turn to be removed, they ſhall be at liberty ſo to do, which Truſtee being then conſidered as the youngeſt, ſhall be placed laſt in the liſt, and continue in office during the ſame period, as if he had been then elected for the firſt time: That if a vacancy ſhall happen by the death or demiſſion of any of the original or future Truſtees, or in any other manner of way than as aforeſaid; or, in caſe one who is elected ſhall decline to accept, another ſhall be elected in his place, it being always underſtood, and expreſsly provided, that

A majority of the Contributors may continue any Truſtee in the office, when it comes to his turn to be removed.

that it shall not be competent to elect any person as Trustee but one of the Contributors; and no election of a Trustee shall be made but at a general meeting of the Contributors, regularly warned by billets left at their respective houses, at least two days previous to the meeting. And Ordaining, as We Ordain, That if any Trustee shall be absent from a meeting to which he is regularly summoned, he shall forfeit and pay one shilling to the Collector, to be applied by him to the use of the scheme, unless he shall satisfy the Trustees at their next or some after meeting, that his absence was occasioned by indisposition. And Ordaining, Directing, and Appointing, as We Ordain, Direct, and Appoint, That the sums to be applied for raising the capital shall be lent out by the Trustees, from time to time, upon such real or personal securities as they shall judge sufficient and best for the interest of the fund, the bonds and other securities for the same to be taken

Penalty on Trustees not attending the stated Meetings.

The Trustees to lend out the money for raising the capital.

taken payable to the ſaid Truſtees, or any three of them, and to their ſucceſſors in office; and the ſaid Truſtees for the time, or any three of them, ſhall have power to uplift, aſſign, and diſcharge the ſaid bonds or other ſecurities, and to ſuit all manner of execution neceſſary for recovering payment thereof, or concerning the ſame any manner of way: But expreſsly providing, That no money ſhall be lent by the Truſtees to any member or members of the Corporation, upon any account whatſoever. And Ordaining, Authoriſing, and Appointing, as We Ordain, Authoriſe, and Appoint, That the Truſtees ſhall chooſe a Collector and clerk to the ſcheme, to continue in their office reſpectively during the pleaſure of the Truſtees; both of which offices may be filled up by one perſon, if the Truſtees ſhall think proper; which Collector ſhall have power to carry on all ſuits for recovery of the annual-rates, and other ſums payable for ſupport of the fund, and all

And the ſecurities to be taken in their names.

No money to be lent to any Member of the Corporation.

The Truſtees authoriſed to chuſe a Collector and Clerk.

Both offices may be filled by the ſame perſon.

arrears that may be due by any Contributor at the time of his deceaſe: And is to retain, at the ſight and direction of the Truſtees, from the widows annuity, or from the childrens proviſions, ſuch ſums as ſhall be due by their reſpective huſbands or fathers, or their heirs and executors, which have not been, or cannot be recovered from them, upon aſſigning to ſuch widow or children reſpectively, ſuch debt. And Providing and Ordaining, as We Provide and Ordain, That the Collector ſhall, on his admiſſion to the office, grant bond, with a ſufficient cautioner to the Truſtees, to the extent of L. 100 Sterling, for the faithful diſcharge of his truſt: And Ordaining and Appointing, as We Ordain and Appoint, That the Collector ſhall ſubſcribe all the receipts for the annual-rates, and for the annual-ſums paid by the Corporation; and ſhall keep regular books, ſhewing the ſtate of the funds under his management, in ſuch manner as the Truſtees ſhall

The Collector to retain from the Widows annuity or Childrens proviſions, the arrears due by their reſpective huſbands or fathers.

The Collector to find caution;

and to ſubſcribe the receipts for the annual payments.

The Collector to keep regular books.

ſhall appoint; and the clerk ſhall alſo keep a book for recording the ſederunts of the Truſtees, which books are at all times to be open to the inſpection of every Contributor: AND that the Collector ſhall exhibit to the Contributors at a general meeting, to be held on the ſecond Monday of Auguſt yearly, a ſtate of the funds under his management, and an account of the ſums received by him for the preceding year, and the application of the ſame; which meeting ſhall have power to audite and paſs the ſaid accompts, and diſcharge him and his ſurety of the ſums accompted for. In Teſtimony whereof, We have ordered Our Seal, appointed by the Treaty of Union to be kept in Scotland, in place of the Great Seal formerly uſed there, to be hereto appended. Given at Our Court of St James's, the 14th day of March 1778, In the Eighteenth Year of Our Reign.

The Clerk keep a ſeder book.

A State the Funds to laid annuall before the Co tributors at General Me ing.

Which Mee ing is empowe ed to audite t Collector's ac compt and di charge him.